

## **Regulation I - Article VI - Emissions Prohibited**

### **SECTION 6.05 - PARTICULATE MATTER AND PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE**

**A.** It shall be unlawful for any person to cause or allow the discharge of particulates in sufficient numbers to unreasonably cause annoyance to any other person when deposited upon the real property of others, except as follows:

- 1.** Temporarily due to breakdown of equipment provided the breakdown is reported as soon as possible but no later than the next regular working day and repairs are promptly made.
- 2.** The time period allowed by the Control Officer for the owner or operator to meet the compliance order.

**B.** It shall be unlawful for any person to cause or permit particulate matter to be handled, transported or stored without taking reasonable precautions to prevent the particulate matter from becoming airborne.

**C.** It shall be unlawful for any person to cause or permit a building or its appurtenances or a road to be constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

**D.** It shall be unlawful for any person, including the owner or person in control of real property to cause or allow particulate matter to be deposited upon a paved roadway open to the public without taking every reasonable precaution to minimize deposition. Reasonable precautions shall include, but are not limited to, the removal of particulate matter from equipment prior to movement on paved streets and the prompt removal of any particulate matter deposited on paved streets.

*State effective: 11/12/93; EPA effective: 3/28/97*

### **SECTION 6.14 - STANDARDS FOR CONTROL OF PARTICULATE MATTER ON PAVED SURFACES**

**A.** Applicability. The provisions of Section 6.14 shall apply to any state, county, city or local government or private company that applies sanding materials to or mechanically sweeps or vacuums paved surfaces within the PM10 Nonattainment area. This Section shall also apply to all suppliers of sanding materials to be used by these affected entities.

**B.** Definitions.

- 1.** Affected Entities are any state, county, city or local government or private company that

applies sanding material to, or mechanically sweeps or vacuums paved surfaces within the PM10 Nonattainment area.

2. Approved Laboratory means a certified or approved facility capable of performing the specified tests in a competent, professional, and unbiased manner in accordance with ASTM testing procedures.
3. The Authority is the Spokane County Air Pollution Control Authority
4. Base Sanding Amount is the average amount of sanding materials applied per lane mile by each affected entity within the PM10 Nonattainment Area during the 1992 - 1993 season or another base season, as requested by an affected entity and approved by the Authority.
5. Durability Index means the percent loss of weight as determined using ASTM Standard Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", designated C131-89, or other approved ASTM procedure.
6. Full Deployment means that all priority roadways targeted for treatment during a snow/ice event are sanded.
7. Percent Fines means the percent material passing a #100 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", Designation C136-84a (1988) (American Highway and Transportation Officials designation T27-88), or other approved ASTM procedure.
8. PM10 Nonattainment Area means the Spokane County PM10 Nonattainment Area, defined in CFR Title 40, Part 81, as designated on November 15, 1990. This definition will remain in effect, even after the United States Environmental Protection Agency makes the determination that the PM10 standard that existed before September 16, 1997, no longer applies to Spokane County. Retaining the definition ensures compliance with the Environmental Protection Agency's Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM10 NAAQS, dated December 29, 1997, by continuing implementation of control measures in the State Implementation Plan and preserving air quality gains.
9. Priority Roadway means any street, arterial, or highway, within the PM10 Nonattainment Area, with more than 15,000 average daily traffic count, and any connecting entrance or exit ramp.
10. Recycled Sanding Materials means previously used sanding materials which have been collected from roadway or paved areas and are then re-used as is, after washing, or after blending with new sanding materials.

**11.** Sanding Materials means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.

**12.** Season means the period beginning, November 1, in one calendar year and concluding on April 30, the next calendar year.

**C.** Emission reduction and control plans. Each affected governmental entity shall submit to the Authority a plan, including an implementation schedule describing the programs and methods to be used to reduce PM10 emissions from paved surfaces, within 30 days after the effective date of this regulation. In reviewing each plan, the Authority shall allow consideration of mobility and transportation safety factors. Approval of any plan shall require that the Authority determine, in consultation with the Washington State Department of Ecology, that the cumulative effect of the plans submitted by all affected entities will achieve and maintain at least a 70% reduction, from the 1992 - 1993 base season, in the 24 hour PM10 emissions from paved surfaces.

**1.** Each plan is subject to approval by the Authority and shall address but not necessarily be limited to all of the following:

- a.** Base sanding amount;
- b.** Percent sanding reduction goal;
- c.** Sanding materials specifications to be employed;
- d.** Identification of priority roadways.
- e.** Locations, application rates, and circumstances for the use of chemical deicers and other sanding alternatives;
- f.** Street sweeping frequency and technology to be employed;
- g.** Factors for determining when and where to initiate street sweeping following a sanding event, with the goal of expeditious removal when safety and mobility requirements have been satisfied.
- h.** An implementation schedule giving the estimated dates of start and completion, if applicable, of each part of the plan.

**2.** Beginning 30 days after the effective date of this regulation, the plans submitted shall be implemented by each affected entity. Upon approval of each plan, the affected entity shall implement the approved plan.

**3.** Within 45 days of submittal of the reports required in Subsection G. of this Section, the

Authority shall determine if the plan commitments have been met and shall notify any entity that has failed to meet plan commitments.

**4.** If the Authority determines that any governmental entity has failed to meet the plan commitments, the Authority, shall require that any affected governmental entity submit a revised plan within 30 days of notification by the Authority. The revised plan shall establish methods for meeting the plan commitments. Any revised plan must be implemented upon approval by the Authority.

**5.** If the Authority, after consultation with the affected governmental entities, the Washington Department of Ecology, and the United States Environmental Protection Agency, determines that the emission reduction and control plans do not provide for sufficient reduction in PM10 emissions to meet the emission reduction credit for paved road surfaces as contained in the State Implementation Plan, the Authority may require the affected governmental entities to modify their plans in order to achieve additional reductions.

**D. Sweeping requirements.** Beginning the effective date of this regulation, the City of Spokane, Spokane County, and the Washington State Department of Transportation, or their contractors, shall clean all priority roadways in an expeditious manner following each sanding event when road conditions are appropriate and safety and mobility requirements have been satisfied. Cleaning shall be accomplished with broom sweepers or a more effective technique approved by the Authority.

**E. Sanding Materials Specifications**

**1. Material Standards.** No affected entity shall use sanding materials, whether new or recycled, which equal or exceed 3% fines and 25% durability index.

**2. Contractual Requirements.** After the effective date of this regulation, no affected entity shall execute a contract for the purchase of sanding materials unless the contract includes standards at least as stringent as those set forth in Subsection E.1. of this Section.

**F. Testing**

**1. Supplier Testing Requirements**

**a.** Suppliers of sanding materials shall have tests performed by an approved laboratory to determine the percent fines and durability index on representative samples of their sanding materials which are supplied to affected entities.

**b.** The sampling and test frequency and methodology used shall ensure that the samples are representative and enable the supplier to certify to

the affected entity that the actual sanding materials supplied for use will meet the requirements of Subsection E. of this Section.

- 2. User Requirements.** Affected entities or their contractors, shall have at least one test performed by an approved laboratory to determine the percent fines and durability index on all recycled materials at least once for the first 250 tons of recycled materials used each season and at least once for every 500 tons of recycled materials used thereafter during the same season.
- 3. Authority Audits.** The Authority may enter the site of any affected entity or supplier of sanding materials subject to this Section for the purpose of obtaining a sample of sanding materials to determine if the materials meet the requirements of Subsection E. of this Section.

## **G. Reporting**

- 1. Supplier Reporting Requirements.** Prior to, or upon, delivery of sanding materials, suppliers shall provide affected entities that use their sanding materials a report demonstrating that the supplier has met all testing requirements of this Section applicable to the time period in which deliveries are made. The supplier shall certify in writing to the affected entity that the sanding materials meet the requirements of Subsection E. of this Section.
- 2. Affected Entity Reporting Requirements**
  - a.** Affected entities that use recycled sanding materials shall submit to the Authority copies of the results of testing conducted according to Subsection F.2. of this Section no later than 30 days after the tests are conducted.
  - b.** No later than June 30, of each year, affected governmental entities shall submit a report to the Authority containing information for the preceding season on:
    - 1)** the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used;
    - 2)** the number of lane miles sanded, salted and deiced; and
    - 3)** the number of full deployment episodes; and
    - 4)** the same information specified in b.(1), b.(2) and b.(3), for all private companies performing sanding, salting, or deicing services under a contract with the affected governmental entity.
  - c.** No later than June 30, of each year, private companies that use 250 tons of sanding materials or more per season for non-governmental applications within the PM10

nonattainment area shall submit a report to the Authority containing information for the preceding season on the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used;

**d.** Within 7 calendar days of awarding a contract for the purchase of sanding materials to a supplier, an affected entity shall notify the Authority of the supplier's name and location of the aggregate sources from which the materials will be supplied.

**e.** Affected entities shall maintain on file reports received under the provisions of Subsection G.1. of this Section for a period of three (3) years.

### **3. Sweeper Reporting Requirements**

**a.** Affected entities shall maintain monthly records to document the information described below. No later than June 30, of each year, each affected governmental entity shall submit a report to the Authority which shall contain the information described below for each priority roadway.

**1)** Date of each sweeping operation;

**2)** Lane miles swept;

**3)** Type of equipment used;

**4)** Number of passes.

**5)** the same information specified in a.(1), a.(2), a.(3) and a.(4), for all private companies performing sweeping under a contract with the affected governmental entity.

**4. Authority Audits.** All records generated under the provisions of this Section shall be made available for inspection upon request by the Authority.

**H. Alternate Test Methods and Standards.** Alternate percent fines and durability index test procedures may be approved by the Authority should they be determined to provide a measure that is equivalent to the test procedures of this Section.

**I. Alternate Sanding Materials.** Experimentation with new sanding materials may be approved by the Authority provided the Authority finds that the impact of such experiments will not cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) for PM10.

**J.** Failure to comply with this Section will subject affected entities and/or suppliers to penalties as

provided in Article II of this Regulation.

*State effective : 2/13/99; EPA effective: 6/11/99*

## **SECTION 6.15 - STANDARDS FOR CONTROL OF PARTICULATE MATTER ON UNPAVED ROADS**

**A.** Applicability. The provisions of Section 6.15 shall apply to:

1. The City of Spokane, the Town of Millwood, Spokane County, and other governmental entities responsible for the maintenance of unpaved public roads within the PM10 Nonattainment Area; and
2. Those specific unpaved public roads which have been identified by Ecology or the Authority for inclusion in an implementation plan or a maintenance plan for control of PM10 emissions.

**B.** Definitions.

1. Authority means the Spokane County Air Pollution Control Authority.
2. Ecology means the Washington Department of Ecology.
3. EPA means the United States Environmental Protection Agency or the Administrator of the United States Environmental Protection Agency or his/her designated representative.
4. Implementation Plan has the same meaning as in Section 110 of the Federal Clean Air Act (42 USC 7410).
5. Maintenance Plan has the same meaning as in Section 175A of the Federal Clean Air Act (42 USC 7505).
6. Palliative means salts and other hygroscopic materials, petroleum resins, asphalt emulsions, adhesives, chemical soil stabilizers or other surface treatment materials acting as a method of dust control, and not prohibited for use by any local, state, or federal law, rule, or regulation.
7. Paved means application of concrete, asphaltic concrete, asphalt, or combination thereof as a means of forming a permanent surface for a road.
8. PM10 Nonattainment Area means the Spokane County PM10 Nonattainment Area, defined in CFR Title 40, Part 81, as designated on November 15, 1990. This definition will remain in effect, even after EPA makes the determination that the PM10 standard that existed before September 16, 1997, no longer applies to Spokane County. Retaining the definition ensures

compliance with the EPA's Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM10 NAAQS, dated December 29, 1997, by continuing implementation of control measures in the Implementation Plan and preserving air quality gains.

**9.** Reasonable Further Progress has the same meaning as in Section 171(1) of the Federal Clean Air Act (42 USC 7501).

**C.** Emission Reduction and Control Plan. Each applicable governmental entity shall submit an Emission Reduction and Control Plan for approval by the Authority, which includes the following for each applicable unpaved road:

- 1.** A schedule for paving, periodic application of palliative, or implementation of other control measures.
- 2.** Specification of the type of palliative to be applied and its application rate, paving specifications, or specifications of other control measures with sufficient detail for the Authority to determine emission reductions.

**D .** Emission Reduction Contingency Plan. Each applicable governmental entity shall submit an Emission Reduction Contingency Plan for approval by the Authority, which includes the following for each applicable unpaved road:

- 1.** A schedule for paving, periodic application of palliative, or implementation of other control measures.
- 2.** Specification of the type of palliative to be applied and its application rate, paving specifications, or specifications of other control measures with sufficient detail for the Authority to determine emission reductions.

**E.** Effective dates. The applicable governmental entities shall comply with the following effective dates whenever an unpaved road is identified by Ecology or the Authority for control of PM10 emissions as part of an implementation plan:

- 1.** For any unpaved road so identified prior to the effective date of Section 6.15 of this regulation, the entity shall submit the Emission Reduction and Control Plan or Emission Reduction Contingency Plan, whichever applies, within 60 days after the effective date.
- 2.** For any unpaved road so identified after the effective date of Section 6.15 of this regulation, the entity shall submit the Emission Reduction and Control Plan or Emission Reduction Contingency Plan, whichever applies, within 60 days after such identification.



**F. Approval and Implementation.**

- 1.** The Authority shall review the Emission Reduction and Control Plan submitted pursuant to Section 6.15.C. of this Regulation and within 60 days after approval by the Authority, the applicable governmental entity shall implement the plan.
- 2.** The Authority shall review the Emission Reduction Contingency Plan submitted pursuant to Section 6.15.D of this Regulation and upon approval by the Authority and within 60 days after the EPA makes the findings in Section 6.15.G of this Regulation, the applicable governmental entity shall implement the plan.
- 3.** The Authority will not approve an Emission Reduction and Control Plan or an Emission Reduction Contingency Plan unless the Authority finds that the plans will achieve the total emission reductions required by the implementation plan. If the Authority finds that a plan will not achieve the required reductions, then the applicable governmental entity shall revise the plan to achieve the required reductions and resubmit the plan for review by the Authority.

**G. Findings by EPA.** In the event the EPA determines that the Spokane PM10 Nonattainment Area has failed to make Reasonable Further Progress or has failed to timely attain a National Ambient Air Quality Standard for PM10 or has violated a National Ambient Air Quality Standard for PM10 after redesignation as an attainment area, and emissions from unpaved roads are determined by the EPA, in consultation with Ecology and the Authority, to be a contributing factor to such failure or violation, the applicable governmental entities shall comply with the requirements of Section 6.15.F.2 of this Regulation.

**H. Reporting.** Within 6 months after the effective date of Section 6.15 of this Regulation, and annually thereafter as determined by the Authority, each applicable governmental entity shall submit a written report to the Authority which demonstrates compliance with the Emission Reduction and Control Plans and the Emission Reduction Contingency Plans.

**I. Failure to comply.** Failure to comply with Section 6.15 of this Regulation will subject affected entities to penalties as provided in Article II of this Regulation.

*State effective : 2/13/99; EPA effective: 6/11/99*

**SECTION 6.16 - MOTOR FUEL SPECIFICATIONS FOR OXYGENATED GASOLINE**

**A. Purpose.** This section establishes motor fuel specifications for oxygenated gasoline in order to reduce wintertime carbon monoxide emissions from gasoline powered motor vehicles.

**B. Applicability.** This section applies to all blenders and to all retail sellers of oxygenated gasoline, intended as a final product for fueling of motor vehicles within the Spokane Control Area and supplied to

purchasers within the Spokane Control Area, as defined in Chapter 173-492-070 of the Washington Administrative Code (WAC).

C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in Section 6.16 shall have the following meaning:

1. **Authority** means the Spokane County Air Pollution Control Authority.
2. **Conform** and **Conformity** have the same meanings as the terms are used in Section 176(c) of the Federal Clean Air Act.
3. **Ecology** means the Washington Department of Ecology.
4. **EPA** means the United States Environmental Protection Agency or the Administrator of the United States Environmental Protection Agency or his/her designated representative.
5. **Federal Clean Air Act** means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.
6. **Forecast of Vehicle Miles Traveled** has the same meaning as in Section 187(a)(2) of the Federal Clean Air Act.
7. **Implementation Plan** has the same meaning as in Section 110 of the Federal Clean Air Act, as it pertains to the Spokane Carbon Monoxide Nonattainment Area.
8. **Maintenance Plan** has the same meaning as in Section 175A of the Federal Clean Air Act, pertaining to revisions of the applicable implementation plan.
9. **Maximum Allowable Oxygenate** means the maximum amount of an oxygenate which may be added to gasoline without exceeding the limits for fuel additives established under Section 211(f) of the Federal Clean Air Act.
10. **Metropolitan Planning Organization** has the same meaning as in Chapter 173-420 WAC.
11. **Reasonable Further Progress** has the same meaning as in Section 171(1) of the Federal Clean Air Act.
12. **Spokane Carbon Monoxide Nonattainment Area** has the same meaning as in CFR Title 40, Part 81.

**13. Transportation Improvement Program** has the same meaning as in Chapter 173-420 WAC, to the extent that it applies to the Spokane Carbon Monoxide Nonattainment Area.

**14. Transportation Plan** has the same meaning as in Chapter 173-420 WAC, to the extent that it applies to the Spokane Carbon Monoxide Nonattainment Area.

**D.** Adoption of state regulation by reference. Except for Subsections 173-492-040(1) and (2), Chapter 173-492 WAC is hereby adopted by reference, to the extent that it applies to the Spokane Control Area.

**E.** Blend and retail sale requirements for gasoline with non-ethanol oxygenates. Gasoline shall contain the maximum allowable oxygenate for the control period, unless the oxygenated is ethanol.

**F.** Blend and retail sale requirements for gasoline with ethanol as an oxygenate. The following requirements shall apply:

- 1.** Oxygen in the gasoline shall be no less than 3.2% by weight for the control period beginning on September 1, 1995 and ending February 29, 1996.
- 2.** Oxygen in the gasoline shall be no less than 2.7% by weight for the control period beginning in 1996 and for all subsequent control periods.

**G.** Conformity blend and retail sale requirement for gasoline with ethanol as an oxygenate. Notwithstanding Subsection F., the following requirement shall apply after the applicable Metropolitan Planning Organization, Ecology, and the Authority determine, after consultation that, due solely to an exceedance of a forecast of vehicle miles traveled, a higher level of oxygen in gasoline than what is required in Subsection F., is necessary in order for the Transportation Plan or the Transportation Improvement Program to conform to the Implementation Plan or Maintenance Plan:

- 1.** Oxygen in the gasoline shall be no less than 3.2% by weight, for the control period beginning in the year for which the higher level of oxygen is projected as necessary to show conformity, and for all subsequent control periods.

**H.** Contingency blend and retail sale requirements for gasoline with ethanol as an oxygenate. Notwithstanding Subsections F. or G., gasoline shall contain the maximum allowable oxygenate, as of the initial control period beginning after EPA makes any one of the following findings in Subsection H.1., H.1., or H.3., relative to the Spokane Carbon Monoxide Nonattainment Area, in conjunction with the finding in Subsection H.4.:

- 1.** Failure to make Reasonable Further Progress.
- 2.** Failure to timely attain a National Ambient Air Quality Standard for carbon monoxide.

3. Violation of a National Ambient Air Quality Standard for carbon monoxide after 1995.
4. Wintertime emissions from gasoline powered motor vehicles are determined by the EPA, in consultation with Ecology and the Authority to be a contributing factor to such failure or violation.

The maximum allowable oxygenate requirement shall remain in effect for the duration of the initial control period and all subsequent control periods until the Authority proposes and EPA determines that subsequent reductions in carbon monoxide emissions, achieved through other control measures or strategies, are sufficient to correct the referenced failure or violation. Upon such determination by EPA, the applicable oxygenate requirement by EPA, the applicable oxygenate requirement in Subsection F. or G. shall apply, as of the beginning of the control period immediately following the determination.

**I. Test method.** Compliance with requirements in this Section for oxygen in gasoline, including maximum allowable oxygenate, shall be determined by ASTM 4815-89; Determination of C1 and C2 Alcohols and MTBE in Gasoline by Gas Chromatography, or other test methods as approved by Ecology.

*State effective: 7/6/95; EPA effective: 12/31/97*

## **Regulation I - Article VIII - Solid Fuel Burning Device Standards**

### **SECTION 8.01 - PURPOSE**

This article establishes emission standards, certification standards and procedures, curtailment rules, and fuel restrictions for solid fuel burning devices in order to attain the National Ambient Air Quality Standards for fine particulate matter (PM10) and to further the policy of the authority as stated in Article I, Section 1.01 of this Regulation.

*State effective: 9/10/94; EPA effective: 3/28/97*

### **SECTION 8.02 - APPLICABILITY**

The provisions of this article apply to solid fuel burning devices in all areas of Spokane County.

*State effective: 9/10/94; EPA effective: 3/28/97*

### **SECTION 8.03 - DEFINITIONS**

Unless a different meaning is clearly required by context, words and phrases used in this article shall have the following meaning:

**A. Adequate Source of Heat** means a permanently installed furnace or heating system, connected or disconnected from its energy source, designed to heat utilizing oil, natural gas, electricity, or propane and to maintain seventy degrees Fahrenheit at a point three feet above the floor in all normally inhabited areas of a residence or commercial establishment.

**B. Certified means:**

- 1.** a solid fuel burning device, other than a fireplace, has received certification or an exemption certificate from the United States Environmental Protection Agency pursuant to Title 40, Part 60, Subpart AAA of the Code of Federal Regulations, "Standards of Performance for New Residential Wood Heaters"; or
- 2.** a solid fuel burning device has been determined by Ecology to meet emission performance standards, pursuant to RCW 70.94.457.

**C. Coal stove means an enclosed, coal burning appliance capable of and intended for residential space heating, domestic water heating, or indoor cooking, which has substantially all the following characteristics:**

- 1.** An opening for loading coal which is located near the top or side of the appliance;
- 2.** An opening for emptying ash which is located near the bottom or the side of the appliance;
- 3.** A system which admits air primarily up and through the fuel bed;
- 4.** A grate or other similar device for shaking or disturbing the fuel bed; and
- 5.** Listing by a nationally recognized safety testing laboratory for use of coal only, except for coal ignition purposes.

**D. Cookstove means an appliance designed with the primary function of cooking food and containing an integrally built in oven, with an internal temperature indicator and oven rack, around which the fire is vented, as well as a shaker grate ash pan and an ash clean out below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cookstove.**

**E. Ecology means the Washington State Department of Ecology.**

**F. EPA means the United States Environmental Protection Agency or the Administrator of the United States Environmental Protection Agency or his/her designated representative.**

**G. Fireplace means a permanently installed masonry fireplace; or a factory-built solid fuel burning device designed to be used with an air-to-fuel ratio greater than or equal to thirty-five to one and without features to control the inlet air-to-fuel ratio other than doors or windows such as may be incorporated into the fireplace design for reasons of safety, building code requirements, or aesthetics.**

**H. Furnace means a device which is designed and installed to heat an entire multiple room structure by forcing heated air through permanently installed ducts or by forcing heated water or steam through pipes**

which result in convective or direct radiation of heat into the rooms.

**I. Reasonable Further Progress** has the same meaning as in Section 171(1) of the Federal Clean Air Act (42 USC 7501).

**J. Seasoned Wood** means wood of any species that has been sufficiently dried so as to contain twenty percent or less moisture by weight.

**K. Solid Fuel Burning Device** (same as solid fuel heating device) means a device that is designed to burn wood, coal, or any other nongaseous or nonliquid fuels, and includes wood stoves, coal stoves, cookstoves and fireplaces, or any similar device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour.

**L. Smoke Control Zone** means the geographic area, impacted by solid fuel combustion smoke, surrounding the Spokane/Spokane Valley Metropolitan area and, after consideration of the contribution of noncertified solid fuel burning devices, population density and urbanization, and impact to the public health (RCW 70.94.477 (2)(a),(b) and (c)), is defined as follows: Sections 1 through 6, Township 24 N, Range 42 E; Townships 25 and 26 N, Range 42 E; Sections 1 through 24, Township 24 N, Range 43 N; Townships 25, 26 and 27 N, Range 43 E; Sections 19 through 36, Township 28 N, Range 43 E; Sections 1 through 24, Township 24 N, Range 44 E; Township 25 N, Range 44 E; Sections 19 through 36, Township 26 N, Range 44 E; Township 25 N, Range 45 E; Sections 1 through 4, 9 through 16 and 19 through 36, Township 26 N, Range 45 E; Sections 33 through 36, Township 27 N, Range 45 E; Sections 6, 7, 18, 19, 30, and 31, Township 25 N, Range 46 E; Sections 6, 7, 18, 19, 30 and 31, Township 26 N, Range 46 E; Section 31, Township 27 N, Range 46 E..

**M. Substantially Remodeled** means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve-month period (RCW 70.94.455).

**N. Treated Wood** means wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects, fungus or weathering.

**O. Wood stove** means a wood fueled appliance other than a cookstove with a closed fire chamber which maintains an air-to-fuel ratio of less than thirty-five to one during the burning of ninety percent or more of the fuel mass consumed at the minimum burn rate achievable. Any combination of parts, typically consisting of but not limited to, doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a wood stove, is considered a wood stove.

*State effective: 9/10/94; EPA effective: 3/28/97*

## **SECTION 8.04 - EMISSION PERFORMANCE STANDARDS**

The Authority adopts section WAC 173-433-100 "Emission Performance Standards" and Title 40, Part 60, Subpart AAA of the Code of Federal Regulations "Standards of Performance for New Residential Wood Heaters" by reference.

*State effective: 9/10/94; EPA effective: 3/28/97*

## **SECTION 8.05 - OPACITY STANDARDS**

**A.** A person shall not cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty percent opacity for six consecutive minutes in any one-hour period.

**B.** Test method and procedures. EPA reference method 9 - Visual Determination of Opacity of Emissions from Stationary Sources - shall be used to determine compliance with Section 8.05.A.

**C.** Enforcement. Smoke visible from a chimney, flue or exhaust duct in excess of the opacity standard shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device. The provisions of this requirement shall not apply during the starting of a new fire for a period not to exceed twenty minutes in any four-hour period.

*State effective: 9/10/94; EPA effective: 3/28/97*

## **SECTION 8.06 - PROHIBITED FUEL TYPES**

A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:

- A.** Garbage;
- B.** Treated wood;
- C.** Plastic products;
- D.** Rubber products;
- E.** Animals;
- F.** Asphaltic products;
- G.** Waste petroleum products;
- H.** Paints;

**I.** Any substance, other than properly seasoned fuel wood, or coal with sulfur content less than 1.0% by weight burned in a coal stove, which normally emits dense smoke or obnoxious odors;

**J.** Paper, other than an amount of non-colored paper necessary to start a fire.

*State effective: 9/10/94; EPA effective: 3/28/97*

## **SECTION 8.07 - CURTAILMENT**

**A.** Except as provided in Section 8.08, no person shall operate a solid fuel burning device within a defined geographical area under any of the following conditions:

**1.** Whenever Ecology has declared curtailment under an air pollution episode for the geographical area pursuant to chapter 173-435 WAC and RCW 70.94.715.

**2.** Whenever Ecology or the Authority has declared curtailment under a first stage of impaired air quality for the Smoke Control Zone or other geographical area, and the solid fuel burning device is not a certified device.

A first stage of impaired air quality is reached and curtailment may be declared when particulates ten microns and smaller in diameter (PM10) are measured at any location inside Spokane County at an ambient level of seventy five micrograms per cubic meter of air by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

**3.** Whenever Ecology or the Authority has declared curtailment under a second stage of impaired air quality for the Smoke Control Zone or other geographical area. A second stage of impaired air quality is reached and curtailment may be declared when particulates ten microns and smaller in diameter (PM10) are measured at any location inside Spokane County at an ambient level of one hundred five micrograms per cubic meter of air by a method which has been determined by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.

**4.** After July 1, 1995, if the limitation in RCW 70.94.477(2) is exercised, following the procedure in Section 8.09, and Ecology or the Authority has declared curtailment under a single stage of impaired air quality for the Smoke Control Zone or other geographical area. A single stage of impaired air quality is reached and curtailment may be declared when particulates ten microns and smaller in diameter (PM10) are measured at any location inside Spokane County at an ambient level of ninety micrograms per cubic meter of air by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.



**5.** After July 1, 1995, if the limitation in RCW 70.94.477(2) is exercised, following the procedure in Section 8.09, and the solid fuel burning device is not a certified device or a fireplace.

**B.** In consideration of declaring curtailment under a stage of impaired air quality, the Authority shall consider the anticipated beneficial effect on ambient levels of particulates ten microns and smaller in diameter (PM10), taking into account meteorological factors, the contribution of emission sources other than solid fuel burning devices, and any other factors deemed to have an impact.

**C.** Any person responsible for a solid fuel burning device which is subject to curtailment and is already in operation at the time curtailment is declared under an episode, or a stage of impaired air quality shall extinguish that device by withholding new solid fuel for the duration of the episode or impaired air quality. Smoke visible from a chimney, flue or exhaust duct after a time period of three hours has elapsed from the time of declaration of curtailment under an episode or a stage of impaired air quality shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that smoke was not caused by an applicable solid fuel burning device.

**D.** The Authority, Ecology, Spokane County Health District, fire departments, fire districts, Spokane County Sheriff's Department, or local police having jurisdiction in the area may enforce compliance with solid fuel burning device curtailment after a time period of three hours has elapsed from the time of declaration of curtailment under an episode or a stage of impaired air quality.

*State effective: 9/10/94; EPA effective: 3/28/97*

## **SECTION 8.08 - EXEMPTIONS**

**A.** The provisions of Section 8.07 shall not apply to any person who possesses a valid written exemption, issued by the Authority. The Authority may issue written exemptions to any person who demonstrates any of the following to the satisfaction of the Authority:

- 1.** An economic need to burn solid fuel for residential space heating purposes by qualifying for energy assistance according to economic guidelines established by the U.S. Office of Management and Budget under the low income energy assistance program (L.I.E.A.P.).
- 2.** That his/her heating system, other than a solid fuel heating device, is inoperable for reasons other than his/her own actions.
- 3.** That there is no adequate source of heat and the structure was constructed or substantially remodeled prior to July 1, 1992.
- 4.** That there is no adequate source of heat and the structure was constructed or substantially remodeled after July 1, 1992 and is outside an urban growth area, as defined in RCW 36.70A,

and is outside an area designated nonattainment for particulates ten microns and smaller in diameter (PM10) in accordance with CFR Title 40, Part 50.6.

**B.** Written exemptions shall be valid for a period determined by the Authority, which shall not exceed one (1) year from the date of issuance. Exemptions may be renewed, provided the applicant meets the applicable requirements at the time of exemption renewal.

**C.** The provisions of Section 8.07 and the requirement in Section 8.08.A. to obtain a written exemption shall not apply to any person who operates a furnace that is designed to burn wood, coal, or any other nongaseous or non liquid fuels.

*State effective: 9/10/94; EPA effective: 3/28/97*

## **SECTION 8.09 - PROCEDURE TO GEOGRAPHICALLY LIMIT SOLID FUEL BURNING DEVICES**

**A.** After July 1, 1995, if the EPA finds that the Spokane PM10 Nonattainment Area, as defined in CFR Title 40, Part 81, has either:

1. failed to make Reasonable Further Progress, or
2. failed to timely attain a National Ambient Air Quality Standard for particulates ten microns and smaller in diameter (PM10), as defined in CFR title 40, Part 50.6, or
3. violated a National Ambient Air Quality Standard for PM10 after redesignation as an attainment area,

and emissions from solid fuel burning devices are determined by the EPA, in consultation with Ecology and the Authority, to be a contributing factor to such failure or violation, then one year after such determination, the use of solid fuel burning devices not meeting the standards set forth in RCW 70.94.457, is restricted to areas outside the Smoke Control Zone.

**B.** Within 30 days of the determination pursuant to Section 8.09.A., the Authority shall publish a public notice in a newspaper of general circulation, informing the public of such determination and of the date by which such restriction on the use of solid fuel burning devices becomes effective.

**C.** Nothing in Section 8.09 shall apply to the use of fireplaces or to persons who have obtained an exemption pursuant to Section 8.08.A.1.

*State effective: 9/10/94; EPA effective: 3/28/97*

## **SECTION 8.10 - RESTRICTIONS ON INSTALLATION OF SOLID FUEL BURNING DEVICES**

**A.** After July 1, 1992, no person shall install a solid fuel burning device that is not a certified device in any new or existing building or structure unless the device is a cookstove, a fireplace, a furnace, or a device which has been rendered permanently inoperable.

**B.** After July 1, 1992, no person shall sell, offer for sale, advertise for sale, or otherwise transfer a solid fuel burning device, that is not a certified device to another person unless the device is a cookstove, a fireplace, a furnace, or a device which has been rendered permanently inoperable.

**C.** After January 1, 1997, no person shall sell, offer for sale, advertise for sale, or otherwise transfer a fireplace to another person, except masonry fireplaces, unless such fireplace meets the 1990 United States environmental protection agency standards for wood stoves or equivalent standard that may be established by the state building code council by rule (RCW 70.94.457(1)(b)).

*State effective: 9/10/94; EPA effective: 3/28/97*

## **SECTION 8.11 - REGULATORY ACTIONS AND PENALTIES**

A person in violation of this article may be subject to the provisions of Article II, Section 2.11, Penalties.

*State effective: 9/10/94; EPA effective: 3/28/97*

## **Regulation II - Article IV - Emissions Prohibited**

### **SECTION 4.01 - PARTICULATE EMISSIONS - GRAIN LOADING RESTRICTIONS**

It shall be unlawful for any person to cause or allow the emission of particulate matter into the atmosphere from any single source:

**A.** Which is in excess of 0.1 grains per cubic foot of gas at standard conditions for non-combustion sources.

**B.** Which is in excess of 0.1 grains per cubic foot of gas calculated to 12% of carbon dioxide (CO<sub>2</sub>) at standard conditions for combustion sources.

*State effective: 4/26/79; EPA effective: 6/5/80*